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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/023,407

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Michael Wayne Brown

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01/05/2005

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EXAMINER

TAYLOR, BARRY W

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/023,407	<b>Applicant(s)</b> BROWN ET AL.	
	<b>Examiner</b> Barry W Taylor	<b>Art Unit</b> 2643	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-36 and 47-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 and 47-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/12/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1-36 and 47-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swope et al (6,639,977 hereinafter Swope) in view of Farris et al (6,122,357 hereinafter Farris).

Regarding claims 1, 10, 19, 28, 31, and 34. Swope teaches a method for billing for telephone services (see column 1 wherein called party given flexibility to direct charges of collect call services to another account), comprising:

receiving, from the calling device, a destination line number for processing a call (see col. 3 lines 5-6 wherein calling party calls a destination number);

loading a profile for a line subscriber of the destination line number, wherein the profile comprises a line subscriber billing plan for the destination line number (see col. 3 lines 6-10 wherein upon approval of the called party, reverse billing of the telephone call from an account owned by the called party other than the account associated with the destination number, see col. 4 lines 38-48 wherein the profile for the called subscriber is check to determine type of billing allowed. For example, if the dialed number is not in database, the call is completed using normal billing methods (i.e. direct billing, credit card, calling card, collect charging, an operator, or coins). If the dialed number is valid, database is queried to see if calls are permitted to the destination number. For example col. 5 lines 9-10 teach, Line Information Database (LIDB) is queried to determine profile for the dialed number (i.e. collect calling denied to this line number); and

responsive to detecting an answer to the call at a destination device accessible via the destination line number, authenticating an identity of a callee (i.e. called party) receiving the call (see col. 3 lines 6-10 wherein called party gives approval, col. 5 lines 19-31 wherein a brief announcement played to called party for Customer Identification and Verification (CIV), col. 5 lines 36-37 reveal that speech verification may also be used for prompting and collecting information relating to collect call, col. 7 lines 27-33 discloses called party prompted for CIV, col. 8 lines 6-7 disclose using voice recognition of called party);

replacing the line subscriber billing plan with a callee (i.e. called party) billing plan associated with the authenticated identity of the callee (i.e. called party), such that the called party receiving the call is billed for services requested by the called party for the call (see col. 3 lines 5-15 wherein called party approves billing of telephone call to an account owned by the called party to an account not associated with the destination line number).

Swope discloses that telephone service billed to the callee (i.e. called party) is accessible at a plurality of destination devices (see col. 1 lines 52-55) wherein the called party is verified by using voice recognition (col. 8 lines 6-7).

Swope does not "first" authenticate an identity of the called party using voice utterance (see Applicant's remarks on page 22, second to last paragraph wherein Applicant's contend that Swope does not "first" determine the identity of called party before providing alternate billing, of paper number 8, Amendment "B", dated 3/24/04, Applicant's repeat remarks---see paper dated 9/10/2004 pages 18-19).

Farris teaches providing enhanced services through double SIV and personal dial tone (title, abstract) wherein the identity of a caller and callee is determined via speaker identification/verification (SIV) on audio signals received from users (col. 11 lines 32-42, col. 35 lines 18-40) enabling for call restrictions to be implanted from any location and different types of telephony devices (see pay-phone or hotel room

telephony---column 14). Farris discloses the service may utilize a variety of different networks (col. 8 lines 12-14).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Swope to first verify called party via speaker identification/verification as taught by Farris for the benefit of authenticating both the calling and callee party thereby providing for a more flexible system that automatically verifies called and callee before implementing billing and restriction features associated with speaker identification/verification as taught by Farris.

Regarding claims 2, 11, and 20. Swope teaches using voice recognition of called party (see col. 8 lines 6-7).

Regarding claims 3, 5, 12, 14, 21, and 23. Swope teaches telephone device equipped with telephone swiper (reader), a bar code scanner, an automated biometric reading device or the like reading on initiating authentication from the telephone device located at subscriber's premises equipment (col. 5 lines 38-53). Swope further discloses the invention may be applied to any consuming group (col. 6 lines 34-36) having premises based telecommunications system or a telecommunications provider may provide the service to customers allowing the called party to maintain ownership and control of the charged account.

Regarding claims 4, 13, and 22. Swope teaches the identity of the called party at intermediary device (see 10 figure 1).

Regarding claims 6, 15, 24, 30, 33, and 36. Farris further shows authenticating both calling and callee party from central location (see subscribers identified columns 7-8, col. 11 lines 32-42, col. 35 lines 18-40).

Regarding claims 7, 16, and 25. Swope teaches controlling at least one particular service (see collect call service controlled by called party col. 1 lines 57-62).

Regarding claims 8, 17, 26, and 47-48. Farris further shows routing call to service provider (col. 11 lines 32-42, col. 35 lines 18-40).

Regarding claims 9, 18, and 27. Swope teaches billing the callee (see col. 3 lines 6-10 wherein called party gives approval) for an order (see col. 3 lines 6-10 wherein called party approves the order (i.e. collect call) may be billed to another account associated with called party).

Regarding claims 29, 32, and 35. Swope shows accessing billing information for storage system (see database 52 figure 2) within a trusted telephone network (see trusted telephone network 10 figure 1) containing database 52 shown in figure 2.

Regarding claims 49-50. Farris further teaches transferring funds from parent's account to child's account (col. 10 lines 1-10, col. 11 lines 32-42, col. 12 line 65 – col. 13 line 60, col. 35 lines 18-40).

Regarding claim 51. Swope shows accessing billing information for storage system (see database 52 figure 2) within a trusted telephone network (see trusted telephone network 10 figure 1) containing database 52 shown in figure 2.

Regarding claim 52. Farris further shows service provider used for billing (col. 11 lines 32-42, col. 35 lines 18-40).

***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 10, 19, 28, 31 and 34 have been considered but are moot in view of the new ground(s) of rejection.
3. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
**or faxed to:**  
(703) 872 9314,  
(for informal or draft communications, please label "PROPOSED" or  
"DRAFT")  
Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor, telephone number (703) 305-4811, who is available Monday-Friday, 6:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached at (703) 305-4708. The facsimile phone number for this group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (703) 305-4750, the 2600 Customer Service telephone number is (703) 306-0377.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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